

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CLOUDING IP, LLC,)	
)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-1458-LPS
)	
VERIZON ONLINE LLC, TERREMARK)	
NORTH AMERICA LLC and VERIZON)	
BUSINESS NETWORK SERVICES INC.,)	
)	
Defendants.)	
)	

**MOTION OF DEFENDANTS VERIZON ONLINE LLC, TERREMARK
NORTH AMERICA LLC, AND VERIZON BUSINESS NETWORK SERVICES INC.
TO BIFURCATE DAMAGES AND LIABILITY DISCOVERY AND
TO STAY DAMAGES-RELATED FACT AND EXPERT DISCOVERY**

Verizon Online LLC, Terremark North America LLC, and Verizon Business Network Services Inc. (collectively, the “Verizon Defendants”) hereby move, under Federal Rule of Civil Procedure 42(b), to bifurcate discovery relating to damages issues from liability issues in this case and to stay damages-related discovery pending claim construction.

These issues have already been jointly briefed by defendants named in earlier-filed cases by Clouding IP, namely, *Clouding IP, LLC v. Amazon.com, Inc. et al.*, C.A. No. 12-641-LPS (“Amazon”); *Clouding IP, LLC v. Google Inc.*, C.A. No. 12-639-LPS; *Clouding IP, LLC v. Motorola Mobility LLC*, C.A. No. 12-1078-LPS, and *Clouding IP, LLC v. Rackspace Hosting, Inc. et al.*, C.A. No. 12-675-LPS (collectively, the “Earlier Clouding Defendants”). Because Clouding IP has asserted eleven (11) patents against the Verizon Defendants, accused multiple products and services, and discovery has not yet begun in this case, the same reasons raised by the Earlier Clouding Defendants to support bifurcation of discovery also apply in this case. To

avoid burdening the Court with a duplicative brief, the Verizon Defendants join, rely upon, and incorporate herein the arguments and authority described in the opening and reply briefs in support of the Earlier *Clouding* Defendants' motion to bifurcate damages and liability discovery and to stay damages-related fact and expert discovery (*see, e.g.*, D.I. 127 and 141 in *Amazon*). At this time, the Verizon Defendants do not oppose the Earlier *Clouding* Defendants' request to bifurcate damages and liability issues for trial, but given the early stage of the instant case, the Verizon Defendants respectfully request the opportunity to consider and brief the trial bifurcation issue after the Court issues its claim construction order.

Respectfully submitted,

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*Counsel for Defendants Verizon Online LLC,
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Business Network Services Inc.*

Dated: December 20, 2013

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiff, and that the parties have not been able to reach agreement.

/s/ Benjamin J. Schladweiler
Benjamin J. Schladweiler (Bar No. 4601)

CERTIFICATE OF SERVICE

I, Benjamin J. Schladweiler, hereby certify that on December 20, 2013, I caused the foregoing *Motion of Defendants Verizon Online LLC, Terremark North America LLC, and Verizon Business Network Services Inc. to Bifurcate Damages and Liability Discovery and to Stay Damages-Related Fact and Expert Discovery* to be served via electronic mail upon the following individuals:

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